

## **Rule 9011-4**

### **SIGNATURES**

(a) Every pleading and other submission filed on behalf of a party represented by counsel shall, in addition to full compliance with Fed. R. Bankr. P. 9011, include the attorney's state bar registration number, Internet e-mail address (if available), and facsimile phone number (if available).

(b) The user login and password required to submit documents via the Electronic Filing System serve as the Filing User's signature on all electronic documents filed with the Court. They also serve as a signature for purposes of Fed. R. Bankr. P. 9011, the Federal Rules of Bankruptcy Procedure, the Local Rules, and any other purpose for which a signature is required in connection with proceedings before the Court. Electronically filed documents must include a signature block and must set forth the name, address, telephone number and the attorney's Florida bar registration number, if applicable. In addition, the name of the Filing User under whose login and password the document is submitted must be preceded by an "/s/" and typed in the space where the signature would otherwise appear.

(c) No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User. It shall not be permissible for an attorney to use another attorney's password to file a pleading. A Filing User agrees to protect the security of the Filing User's log-in and password and shall immediately notify the Clerk if the security of their password has been compromised. A Filing User may be subject to sanctions for failure to comply with this provision.

(d) Papers that are electronically submitted that require the signature of anyone other than the Filing User shall either contain a scanned image of any manual signature affixed thereto or display "/s/" with the name typed in the space where the signature would otherwise appear.

(e) Any Verified Document not containing an original signature shall be accompanied by a "Declaration Under Penalty of Perjury for Electronic Filing" in a PDF format containing an image of the original signature of the party signing the paper. This form is available on the Court's website.

(f) Documents requiring signatures of more than one party must be electronically filed either by: (1) submitting a scanned document containing all necessary signatures; (2) representing the consent of the other parties on the document; (3) identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three business days after filing; or (4) in any other manner approved by the Court.

(g) On request, the Filing User must provide original documents for review to the Court, the office of the United States Trustee, or party in interest as ordered by the Court.

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### ***Notes of Advisory Committee***

#### ***2004 Amendment***

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. Further, this amendment added as section (a) requests attorneys to list their Internet e-mail addresses if available to assist the Clerk in noting such information to be used for notification purposes.

The amendments under sections (b) through (d) are new and are adapted from the "Model Local Bankruptcy Court Rules for Electronic Case Filing" approved on September 11, 2001 by the Judicial Conference of the United States Courts. Signature issues are a subject of considerable interest and concern. The CM/ECF system is designed to require a login and password to file a document. This Rule provides that use of the login and password constitutes a signature, and assures that such a signature has the same force and effect as a written signature for purposes of the Federal Rules of Bankruptcy Procedure, including Fed. R. Bankr. P. 9011, and any other purpose for which a signature is required on a document in connection with proceedings before the court.

At the present time, other forms of digital or other electronic signature have received only limited acceptance. It is possible that over time and with further technological development, a system of digital signature may replace the current password system.

Some users of electronic filing systems have questioned whether an s-slash requirement is worth retaining. The better view is that an s-slash is necessary; otherwise there is no indication that documents printed out from the website were ever signed. The s-slash provides some indication when the filed

document is viewed or printed that the original was in fact signed.

As attorney or other Filing User is not required to personally file his or her own documents. The task of electronic filing can be delegated to an authorized agent, who may use the login and password to make the filing. However, use of the login and password to make the filing constitutes a signature by the Filing User under the Rule, even though the Filing User does not do the physical act of filing.

### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.02(d). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

### ***1995 Amendment***

The amendment to Local Rule 2.02(d) adds the requirement that an attorney's facsimile phone number (if available) be listed on any pleading or other submission to the court.

These amendments were effective on February 15, 1995.